

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BARKER

Atty. Ref.: 117-554 (AMK); Confirmation No. 6763

Appl. No. 10/542,030

TC/A.U. 3773

Filed: August 12, 2005

Examiner: G. Anderson

For: LAPAROSCOPIC PORT HERNIA DEVICE

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April 8, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated March 13, 2008, Applicant elects the subject matter of Group I, claims 23-35 and 39-41, with traverse. For the Examiner's information, a similar election was made in a response filed August 15, 2007 in reply to an Official Action dated July 25, 2007. It is not clear from the record why the restriction requirement has been repeated.

Applicant respectfully submits that the subject matter of all claims 23-41 is sufficiently related that a thorough search of the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "[i]f the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the

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merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Withdrawal of the Restriction Requirement is thus respectfully requested.

Respectfully submitted,

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